

DEC 13 2005

60246-264; 10807/10,785

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Concha, et al.  
Serial No.: 10/760,668  
Filed: 1/20/2004  
Art Unit: 3744  
Examiner: Jiang, Chen Wen  
Title: ENERGY-EFFICIENT HEAT PUMP WATER HEATER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION**

Dear Sir:

Reconsideration of the final rejection of October 18, 2005 is requested.

The independent claims 1, 9 and 14 all require that there is a controller that controls a heat pump based upon a first threshold and a second threshold. The second threshold is claimed to be higher than the first threshold. The heat pump is energized when a tank temperature sensor indicates that a fluid temperature in a tank has fallen below the first threshold. The controller will de-energize the heat pump when the temperature within the fluid heating system is determined to reach the second threshold. That is, the heat pump is turned on at a low threshold and turned off at the higher threshold.

The examiner argues that the Sakakibara, et al. patent would inherently disclose this feature. Sakakibara, et al. turns on its heat pump when the temperature falls below a temperature. However, there is no disclosure as to when the heat pump will be turned off. It is not inherent that the heat pump is turned off at a higher threshold. Rather, it may very well be

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that the heat pump is run until the temperature reaches the same threshold that caused it to be turned on. As such, Sakakibara, et al. does not properly reject the claims.

The examiner has combined the Steward reference to reject certain claims when combined with Sakakibara, et al. and the Yamaguchi, et al. patent with Sakakibara, et al. to reject other claims. First, Steward does not appear to sense a tank output temperature at all. Rather, it appears it is the output of the heat pump that is sensed in Steward. Even so, there is nothing that would support the examiner's suggestion that utilizing a distinct location for a temperature sensor in Sakakibara, et al. based upon Steward would "increase safety." Simply, the examiner has simply invented that benefit. As such, the rejection is improper.

Similarly, with the Yamaguchi, et al. patent, there is no benefit apparent in moving the location of the sensors from Sakakibara, et al. Sakakibara, et al. discloses a series of vertically spaced sensors within a tank. There is nothing apparent in either Sakakibara, et al. or Yamaguchi, et al. that would suggest that safety would be improved by changing the location on a sensor. Simply, there is no proper suggestion here.

For the reasons set forth above, the rejection of all claims is improper and should be withdrawn. Such action is earnestly solicited.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,



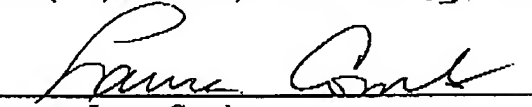
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Dated: December 13, 2005

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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on December 13, 2005.

  
Laura Combs